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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/612,478	07/02/2003	Allon G. Englman	47079-00207	3126

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EXAMINER	
KIM, ANDREW	

ART UNIT	PAPER NUMBER
3712	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/612,478	ENGLMAN ET AL.	
	Examiner	Art Unit	
	Andrew Kim	3712	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *02 July 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-39* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-39* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *02 July 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 7/2/03 5/27/04 12/6/04 2/25/05
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 4-6, 8, 11-14, 16-19, and 23 are rejected under 35 U.S.C. 102(e) as being anticipated by Gagner (US 2004/0248651), "Gagner".

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Claims 1, 8, and 19: Gagner discloses a method for allowing players at a plurality of gaming terminals to place side wager, the method comprising:

- conducting wagering games on the plurality of gaming terminals (Abstract);

- achieving a progressive game at a first one of the plurality of gaming terminals (paragraph 36);
- in response to achieving the progressive game, sending a side wager inquiry signal to a second one of the plurality of gaming terminals indicating the achievement of the progressive game (paragraph 70); and
- in response to receiving the side wager inquiry signal, displaying a communication to a player of the second one of the plurality of gaming terminals inquiring whether the player desires to make a side wager on an event that may occur in the progressive game (paragraph 70).

Claim 2: Gagner discloses a method further comprising crediting the second one of the plurality of gaming terminals with a payout amount corresponding to the side wager at the end of the progressive game (paragraph 70).

Claim 4: Gagner discloses a method wherein the event is a particular outcome of the progressive game (paragraph 36).

Claim 5: Gagner discloses a method further comprising receiving a side wager response signal from the second one of the plurality of gaming terminals indicating that a side wager has been made (paragraph 70).

Claim 6: Gagner discloses a method further comprising crediting the second one of the plurality of gaming terminals a predetermined amount if the event occurs in the progressive game (paragraph 70).

Claim 11: Gagner discloses a method wherein the special gaming session is a progressive game (paragraphs 36 and 70).

Claim 12: Gagner discloses a method wherein the special gaming session is a bonus game (paragraph 70).

Claim 13: Gagner discloses a method wherein the achieving step includes selecting the first one of the plurality of gaming terminals to enter the progressive game, the selecting being performed by a controller in the first one of the plurality of gaming terminals (paragraph 60).

Claim 14: Gagner discloses a gaming network including a plurality of interconnected gaming terminals, the system comprising:

- a first one of the plurality of interconnected gaming terminals for playing a basic game and a special gaming session randomly achieved after the basic game (paragraphs 70 and 72); and
- a second one of the plurality of interconnected gaming terminals placing a side wager on an event that may occur in the special gaming session, the second one of the plurality of interconnected gaming terminals including an input mechanism receiving a side wager input in response to the special gaming session being achieved at the first one of the plurality of interconnected gaming terminals (paragraph 70).

Claim 16: Gagner discloses a gaming network wherein the signage includes a signage controller for controlling an outcome of the progressive game on the first one of the plurality of interconnected gaming terminals (fig. 4 and 5, paragraph 60).

Claim 17: Gagner discloses a gaming network wherein each of the plurality of interconnected gaming terminals includes a gaming terminal controller, the gaming terminal controller being in communication with the signage controller (fig. 4 and 5, paragraph 44).

Claim 18: Gagner discloses a gaming network wherein the first one and the second one of the plurality of interconnected gaming terminals are identical machines (paragraph 43).

Claim 23: Gagner discloses a gaming network wherein the special gaming session is a progressive game (paragraph 36).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 3 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gagner (US 2004/0248651), "Gagner" in view of Demar et al. (US 6,203,429), "Demar".

Claims 3 and 26: Gagner discloses a plurality of gaming terminals capable of participating in a progressive or community-based bonus game (paragraph 67) but fails to explicitly disclose a progressive game relating to rolling dice and predicting landing position on a game board. Instead, Gagner teaches a system in which other players are offered to wager on the outcome of another player (paragraph 74 and 75). In an analogous progressive gaming reference, Demar teaches a progressive game relating to rolling dice (col. 12, line 44) and predicting landing position on a game board (col. 2, lines 56-67). Demar has been cited to illustrate that the a progressive game relating to rolling dice and predicting landing position on a game board is old an well known in the art at the time of the invention to provide a visual equivalent of a random number (col. 10, lines 54-67) and a novel wagering feature. Therefore, it would have been obvious to one or ordinary skill in the art at the of the instant invention to modify Gagner with rolling

dice and predicting landing position on a game board to provide a visual equivalent of a random number (col. 10, lines 54-67) and a novel wagering feature.

Claims 7, 15, 20-22, 24, 25, 27-29, 32, 33, and 36-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gagner (US 2004/0248651), "Gagner" as applied to claims 1, 8, 14, 19 and 23 above in view of Olsen (US 6,210,275), "Olsen".

Claims 7, 15, 20, and 21: Gagner discloses a plurality of gaming terminals capable of participating in a progressive or community-based bonus game (paragraph 67) but fails to explicitly disclose a signage controller in signage located above and coupled to the plurality of gaming terminals. Instead, Gagner teaches a network in which progressive games are utilized by the linked gaming terminals. In an analogous progressive gaming reference, Olsen teaches a signage with a controller located above and coupled to the gaming terminals (fig. 1, items 60 and 120). Olsen teaches a large screen display to be visible by each of the players and by spectators (col. 3, line 59) and a controller whose function is conventional and well known in the art (line. 3, line 58) which when combined attracts players to the game Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Gagner with a signage located above and coupled to the plurality of gaming terminals and an attached controller to update the signage as taught by Olsen to provide the players and the spectators a display to watch the progressive game thus attracting new players that have not played before and old

players who have not played in some time to play the game and thereby increasing profits.

Claim 22: Gagner discloses a gaming network wherein the signage controller conducts the special gaming session and awards credits to players of the plurality of interconnected gaming terminals if winning outcomes are achieved (paragraph 70).

Claims 24, 25, 38, and 39: Gagner discloses a plurality of gaming terminals capable of participating in a progressive or community-based bonus game (paragraph 67) but fails to explicitly disclose that the player of the second one of the plurality of interconnected gaming terminals participating in the progressive game at least achieves a first payout level at the end of the progressive game. Instead, Gagner discloses a single payout level (paragraph 70). In an analogous progressive gaming reference, Olsen teaches a progressive game in which different levels of payout, greater than the first and awarded depending on the outcome (col. 6, lines 20-67, fig. 2, 3, and 5) to provide a novel progressive game that allows for a player to win more than just one progressive jackpot (col. 4, lines 10-64). Therefore, it would have been obvious to one or ordinary skill in the art at the of the instant invention to modify Gagner with multi-level payouts as taught by Olsen to provide a novel progressive game that allows for a player to win more than just one progressive jackpot (col. 4, lines 10-64), which increases player appeal when a player ponders the possibility of winning two jackpots as opposed to one, thereby increasing casino profits.

Claims 27, 32: Gagner discloses a gaming network comprising:

- a plurality of gaming terminals for conducting wagering games, a first one of the plurality of gaming terminals capable of making a side wager on an event that may occur in a progressive game to be played on a second one of the plurality of gaming terminals (paragraph 70); and

- signage located above and coupled to the plurality of gaming terminals, the signage displaying the progressive game that is played from the second one of the plurality of gaming terminals and the event on which the side wager is made at the first one of the plurality of gaming terminals (Olsen, fig. 1, col. 3, line 59).

Claims 28, 33: Gagner discloses a gaming network wherein the signage includes a signage controller, the signage controller transmitting and receiving signals from the plurality of gaming terminals (paragraph 70).

Claim 29: Gagner discloses a gaming network wherein the signage controller transmits a side wager inquiry signal to the first one of the plurality of gaming terminals, the side wager inquiry signal causing a side wager invitation to be displayed on a display of the first one of the plurality of gaming terminals (paragraph 70).

Claim 36: Gagner discloses a gaming network wherein the local controller randomly selects one of the plurality of gaming terminals to enter the progressive game (paragraph 72).

Claim 37: Gagner discloses a gaming network wherein the progressive game outcome depends on a wager amount chosen by players during the wagering games (paragraph 71).

Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gagner (US 2004/0248651), "Gagner" as applied to claim 8 above in view of Schneider et al. (US 6,089,976), "Schneider".

Claims 9 and 10: Gagner discloses a plurality of gaming terminals capable of participating in a progressive or community-based bonus game (paragraph 67) but fails to explicitly disclose at least one of a plurality of paylines to play and choosing a wager amount for each of the plurality of paylines chosen and only qualifying for the bonus if all of the plurality of paylines are chosen. In an analogous gaming reference, Schneider teaches a gaming machine which displays the bonus game only when the maximum bet has been made. Schneider has been cited to illustrate that a bonus may trigger only in the event of a maximum bet feature is old and well known in the art. One of ordinary skill in the art would have seen the benefit of a bonus qualifying trigger to entice the player to place the maximum bet which increases profits. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Gagner with a bonus game that may trigger online in the event of a maximum bet such as all the paylines as taught by Schneider to increase casino profits.

Claims 30 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gagner (US 2004/0248651), "Gagner" in view of Olsen (US 6,210,275),

"Olsen" as applied to claim 27 above and further in view of Demar et al. (US 6,203,429), "Demar".

Claims 30 and 31: Gagner as modified by Olsen teaches a gaming network wherein the first one of the plurality of gaming terminals places a side wager on an event of the progressive game by predicting the particular event but fails to explicitly teach the event relating to a wager on a landing position predicting landing position on a game board. Instead, Gagner as modified by Olsen teaches a system in which other players are offered to wager on the outcome of another player (paragraph 74 and 75). In an analogous progressive gaming reference, Demar teaches a progressive game relating to rolling dice (col. 12, line 44) and predicting landing position on a game board (col. 2, lines 56-67). Demar has been cited to illustrate that the a progressive game relating to predicting a landing position on a game board is old an well known in the art at the time of the invention to provide enhance game play and thereby increasing profits. Therefore, it would have been obvious to one or ordinary skill in the art at the of the instant invention to modify Gagner as modified by Olsen with predicting landing position on a game to provide enhance game play and thereby increasing profits.

Claims 34 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gagner (US 2004/0248651), "Gagner" in view of Olsen (US 6,210,275), "Olsen" as applied to claim 32 above and further in view of Schneider et al. (US 6,089,976), "Schneider".

Claims 34 and 35: Gagner as modified by Olsen teaches a plurality of gaming terminals capable of participating in a progressive or community-based bonus game (paragraph

67) but fails to explicitly disclose at least one of a plurality of paylines to play and choosing a wager amount for each of the plurality of paylines chosen and only qualifying for the bonus if all of the plurality of paylines are chosen. In an analogous gaming reference, Schneider teaches a gaming machine which displays the bonus game only when the maximum bet has been made. Schneider has been cited to illustrate that a bonus may trigger only in the event of a maximum bet feature is old and well known in the art. One of ordinary skill in the art would have seen the benefit of a bonus qualifying trigger to entice the player to place the maximum bet which increases profits. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Gagner as modified by Olsen with a bonus game that may trigger online in the event of a maximum bet such as all the paylines as taught by Schneider to increase casino profits.

Citations

The following prior art of record is not relied upon but is considered pertinent to applicant's disclosure: Baerlocher et al. (US 6,406,369), Parra et al. (US 6,299,533), Karmarkar (US 6,508,709).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Kim whose telephone number is 571-272-1691. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Jones can be reached on 571-272-4438. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A.K. 4/28/2006

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